

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 05-1036-F; EX03-098C-US)

In the Application of:	)	
	)	
Steven B. Gendreau et al.	)	
	)	Examiner: To Be Assigned
International App. No.: PCT/US03/041619	)	
	)	
U.S. Serial No.: 10/535,443	)	Group Art Unit: To Be Assigned
	)	
International Filing Date: December 29, 2003	)	Confirmation No. 8809
	)	
For: FLJ10607 As Modifier of the Axin	)	
Pathway and Methods of Use	)	

11/06/2006 GFREY1 00000132 10535443

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**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

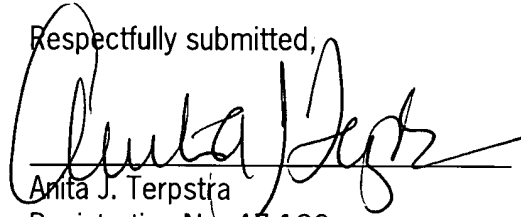
In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed September 11, 2006;
  - b) Response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
  - c) Application Data Sheet;
  - d) Executed Declarations; and
  - e) Return receipt postcard.
2. With respect to fees:
  - a) A check in the amount of \$130.00 is enclosed for the surcharge fee.
  - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited in the United States Postal Service, as Express mail, mailing number EV839413438US in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 31, 2006.

Date: October 31, 2006

Respectfully submitted,

  
Anita J. Terpstra  
Registration No. 47,132

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 05-1036-F; EX03-098C-US)

In the Application of:

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International App. No.: PCT/US03/041619

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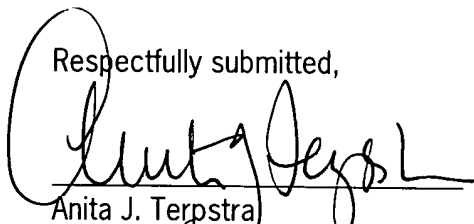
RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED  
OFFICE (DO/EO/US) mailed on September 11, 2006

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated September 11, 2006, attached is an Application Data Sheet and executed Declaration for Patent Application in compliance with 37 CFR § 1.497(a) and (b). A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) [PTO/DO/EO905] is also attached.

Respectfully submitted,

  
Anita J. Terpstra  
Registration No. 47,132

Date: October 31, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,443	Steven Brian Gendreau	EX03-098C-US

INTERNATIONAL APPLICATION NO.
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PCT/US03/41619

I.A. FILING DATE	PRIORITY DATE
12/29/2003	12/30/2002

23500

PATENT DEPT

EXELIXIS, INC.

170 HARBOR WAY

P.O. BOX 511

SOUTH SAN FRANCISCO, CA 94083-0511

**DOCKETED**

OCT - 2 2006

DUE DATE: 11-11-06BY: E. J. G.

Date Mailed: 09/11/2006

CONFIRMATION NO. 8809

371 FORMALITIES LETTER



\*OC000000020371935\*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/19/2005
- Copy of the International Search Report filed on 05/19/2005
- Copy of IPE Report filed on 05/19/2005
- Information Disclosure Statements filed on 05/19/2005
- Biochemical Sequence Diskette filed on 05/19/2005
- Oath or Declaration filed on 05/19/2005
- Biochemical Sequence Listing filed on 05/19/2005
- Request for Immediate Examination filed on 05/19/2005
- U.S. Basic National Fees filed on 05/19/2005
- Priority Documents filed on 05/19/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**DOCKETED**  
 Exelixis, Inc.  
**RECD SEP 18 2006**

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,443	PCT/US03/41619	EX03-098C-US